

From: Michael Henry, MS140085721  
5 Paul X Tiunan R.  
West Boylston MA 01583

October 13, 2017

17CV40134

U.S. DISTRICT COURT  
DISTRICT OF MASS.

2017 OCT 16 AM 11:59

FILED  
IN CLERKS OFFICE

Clerk of Courts

US Federal District Court

595 Main Street

Worcester MA 01608

RE: EMERGENCY HABEAS CORPUS

Dear Sir or Madam;

Enclosed you will find an Emergency Habeas Corpus and a supporting Affidavit. I implore you to please file, mark up, and schedule a hearing at your earliest convenience - at this time for me time is of the essence.

Within this letter I will briefly provide an overview of my situation and why I desperately need the assistance of this Honorable Federal Court. I ask as you review my filings you please remember that I am currently incarcerated at the Worcester County House of Corrections (WCHOC) and am acting Pro Se without the availability of a law library, word processing equipment, or legal counsel. Therefore, my documents and filings in form and content will not be standard to this court or what this court is used to seeing - this fact does not change the circumstances and the fact that my rights are being ignored.

I am scheduled to be released from custody for the charges I am being held on either October 23 or 27 2017. I recently found out


- 2 -

that the state of RI has a detainee for me that the jail has known about since June 2017.

I have tried to be sent to RI via an IAD and have received no help from the WCHOC and their goal appears to be to hold me beyond my release date.

Lastly, for a hearing I will require a court order to secure my attendance.

Thank you for your consideration and concern in this matter.

Respectfully,  
  
Michael Hladky

Michael Hladky MSA 0685729

To 5 Paul X. Tivnan Dr

West Boylston MA 01583

Enclosures:

CC: File

PS- Please return me a copy

Worcester

MICHAEL P. HLADY

vs.

Worcester County House of Corrections et AL

Emergency Habeas Corpus

Now comes Michael Hladý and moves this Honorable Court to hold a hearing at this Court's earliest convenience; that as a result of said hearing MICHAEL HLADY requests that the Worcester County House of Correction be ordered to immediately turn Mr. Hladý over to the Rhode Island authorities as prescribed by the Interstate Agreement on Detainees (IAD).

I Background

- ① I, Michael Hladý, am an inmate at the Worcester County House of Corrections (wctoc) being held on a violation of Probation that I was sentenced to 2 1/2 years.
- ② My current scheduled release date is October 27, 2017, however, I am presently contesting that date as it is missing 4-days of earned "good-time" my release date should be October 23, 2017.
- ③ I was recently informed September 2017 that there is a "Detainer" placed on me from the State of Rhode Island.
- ④ At that point I notified my RI Lawyer who contacted ~~the~~ a RI Assistant Attorney General and explained what should happen (see attached letter)

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- ⑤ I then began trying to work with the assigned WCHOC social worker to see if I could file any paperwork. I was told by a fellow inmate, that the Social Worker confirmed, that Rhode Island and Massachusetts have an IAD treaty.
- ⑥ I was told via the Social worker by one James Eager of the WCHOC Records Office that I could not do an IAD, "because there was not enough time." This was the last week of September.
- ⑦ I then in writing asked for a copy of the IAD Treaty - that I have not received. On October 11, 2017 (that I received on 10/12/17) Jennifer O'Day from records responded to my letter, but again did not provide the IAD language or the Detainer itself. (attached)
- ⑧ I was told I would be held beyond my release date as a "Fugitive of Justice"
- ⑨ I was informed yesterday by someone under the request of anonymity that the WCHOC received the Detainer from RI in June 2017 and never gave me a copy or informed me.

## II Request of this Honorable Court and the Legal Argument Justifying Request.

- ⑩ I am asking this Honorable Court to interview and compel the WCHOC to transfer me prior to my release date to the custody of the State of Rhode Island.

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(10A) Although I do not have access to the IAD the first argument against the WCHOC actions is that their refusal to act and their failure to provide me timely knowledge of the Detainee itself are actions that are a clear violation of my rights and of the Article IV section 1 of the US constitution. If an agreement between States is in effect then full faith must be given to that agreement.

(10B) ARTICLE IV section 2 which states, "A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime." (Emphasis Added) Although I did not "flee" I was simply not able to be in RI, I do still fall under this Article. The phrase "on demand" and "delivered up" would and do constitute immediacy.

(10C) Further more, holding me, by the WCHOC, are violations of my rights as protected and outlined in the 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> Amendments of the Constitution

(10c.1) The 5<sup>th</sup> Amendment protects against being punished twice for the same offence and goes on to protect all citizens against being deprived of life, liberty, or property, without due process. Holding me beyond my release date when the

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WCHOC was in possession of the Detainer and chose not to inform me is a direct overt action to hold me in their custody longer than sentenced by the judge in the case that I am incarcerated. The result is obviously a loss of my liberty.

(10c.2) By the WCHOC not providing me timely information and assistance (no law library) has violated my 6<sup>th</sup> Amendment right to a speedy trial where the alleged crime took place.

(10c.3) Holding me beyond my release is a clear violation of my 8<sup>th</sup> Amendment Right as it results in cruel and unusual punishment - I should be free on my release date.

(11) I am also requesting that at this time the WCHOC be compelled to provide me a full and complete copy of my institutional file as allowed under the Freedom of Information Act.

I thank the Court for its time, patience, guidance and any orders that this Honorable Court deem necessary to protect my Constitutional Rights and justice

Respectfully Submitted

Michael Hladky

Pro Se

Michael Hladky

Michael Hladky

% 5 Paul X. Tivnan D-

West Boylston MA 01583

Date October 13, 2017